

IN THE UNITED STATES EASTERN DISTRICT COURT IN
AND FOR MICHIGAN

STATE OF MICHIGAN
POLICE & FIRE RETIREMENT SYSTEM OF
THE CITY OF DETROIT
DAVID CETLINSKI
KELLY TAPPER
CASSANDRA CHILDRESS
RONALD KING

Plaintiff

V.

THOMAS JAMES BROWN

Defendant

* Case No. 20 MC 50804

*
* SUPERIOR
* FOREIGN COURT
* CHARGE
*
*
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WRIT OF MANDAMUS

A (writ of) *mandamus* is an order from a court to an inferior government official ordering the government official to properly fulfill their official duties or correct an abuse of discretion. (See, e.g. Cheney v. United States Dist. Court For D.C. (03-475) 542 U.S. 367 (2004) 334 F.3d 1096.) According to the U.S. Attorney Office, "Mandamus is an extraordinary remedy, which should only be used in exceptional circumstances of peculiar emergency or public importance."

"Fraud On The Court By An Officer Of The Court" And "Disqualification Of Judges, State and Federal"

1. Who is an "officer of the court"?
2. What is "fraud on the court"?
3. What effect does an act of "fraud upon the court" have upon the court proceeding?
4. What causes the "Disqualification of Judges?"

1. Who is an "officer of the court?" A judge is an officer of the court, as well as are all attorneys. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully. State and federal attorneys fall into the same general category and must meet the same requirements. A judge is not the court. *People v. Zajic*, 88 Ill.App.3d 477, 410

N.E.2d 626 (1980).

2. What is "fraud on the court"? Whenever any officer of the court commits fraud during a proceeding in the court, he/she is Fraud upon the court engaged in "fraud upon the court". In *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted." "Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

3. What effect does an act of "fraud upon the court" have upon the court proceeding? "Fraud upon the court" makes void the orders and judgments of that court. It is also clear and well-settled Illinois and Other States law including Michigan that any attempt to commit "fraud upon the court" vitiates the entire proceeding. *The People of the State of Illinois v. Fred E. Sterling*, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions."); *Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters ..."); *In re Village of Willowbrook*, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); *Dunham v. Dunham*, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); *Skelly Oil Co. v. Universal Oil Products Co.*, 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); *Thomas Stasel v. The American Home Security Corporation*, 362 Ill. 350; 199 N.E. 798 (1935). Under Illinois and Federal law, when any officer of the court has committed "fraud upon the court", the orders and judgment of that court are void, of no legal force or effect.

4. What causes the "Disqualification of Judges?" Federal law requires the automatic disqualification of a Federal judge under certain circumstances. In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. *Liteky v. U.S.*, 114 S.Ct. 1147, 1162 (1994). Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance); *United States v. Balistreri*, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) "is directed against the appearance of partiality, whether or not the judge is actually biased.") ("Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual bias in their judge but rather to promote

public confidence in the impartiality of the judicial Fraud upon the court process."). That Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989). In *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice." The Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe from an interested party over which he is presiding, does not give the appearance of justice. "Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989). Further, the judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals further stated that "We think that this language [455(a)] imposes a duty on the judge to act sua sponte, even if no motion or affidavit is filed." *Balistreri*, at 1202. Judges do not have discretion not to disqualify themselves. By law, they are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given another example of his "appearance of partiality" which, possibly, further disqualifies the judge. Should another judge not accept the disqualification of the judge, then the second judge has evidenced an "appearance of partiality" and has possibly disqualified himself/herself. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of no legal force or effect. Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause."). Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce". The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge). However some judges may not follow the law. If you were a non-represented litigant, and should the court not follow the law as to nonrepresented litigants, then the judge has expressed an "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself. However, since not all judges keep up to date in the law, and since not all judges follow the law, it is possible that a judge may not know the ruling of the U.S. Supreme Court and the other courts on this subject. Notice that it states "disqualification is required" and that a judge "must be disqualified" under certain circumstances. The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce. Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since Fraud upon the court both treason and the interference

with interstate commerce are criminal acts, no judge has immunity to engage in such acts.

By the Power and Authority invested as an Moorish American Consular Court Territorial Magistrate of a Foreign Court; I am, **Thomas James Brown Bey** as the Inherit Moorish American National People an Moorish National Republic Federal Government Citizen/Creditor standing over my "UNITED STATES POSTAL Person" the DEFENDANT. Therefore, I stand to CHARGE this COURT, the "UNITED STATES/STATE OF MICHIGAN Administrative BAR and POLICE & FIRE RETIREMENT SYSTEM OF THE CITY OF DETROIT and all Agents, as a UNITED STATES POSTAL STATE Agency to process to all of the US POSTAL "John Doe" THOMAS JAMES BROWN, the DEFENDANT'S Charges Fraudulent IRS LEVY and Fraudulent GARNISHMENT by POLICE & FIRE RETIREMENT SYSTEM FOR THE CITY OF DETROIT are to be Discharged and all Funds taken returned to Thomas James Brown within the 3 Days of Grace with their Full and Complete Settlement by the means of Set-Offs from his US POSTAL Trust Fund account #368725162; with a USPS POSTAL ESTATE Depository Bank Routing # 071000301 Account # 81464396 to allow for the transferring my USPS POSTAL Depository Credited Asset Funds and at the same time the Just Compensation is Claimed for appearance and Fraud is to be deliver up to this Magistrate as the Inherit Moorish American Creditor.

Per the Constitution for the United States of America and its Amendments: the American Foundational Laws for the Peoples Governmental Enterprise.

- The Right to petition the government for a Redress of Grievances, is secured to the people. Amendm. Art. 1.
- Congress shall not ESTABLISH any Religion. Amendm. Art. 1.
- The People are SECURED in their Persons. Amendm. Art. 4.
- "Nor shall private property be taken for public use, without Just Compensation." Amendm. Art. 5.
- The judicial power of the United States (*referring to all of the States*) shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States (*of America as an American Citizen*) by citizens of another state, or by citizens or subjects of any foreign state (*i.e. the POSTAL STATES – the UNITED STATES and the STATE OF MICHIGAN byway the 14th amendment*). Amendm. Art. 11.
- "No person shall be convicted of treason unless on the testimony of two witness to the same overt act, or on the confession in open court." Art. 3, Section 3.

There is but one major Creditor in this country and that is this Moorish American National Blooded Magistrate for all others are false creditors because they are in FACT - Public POSTAL Debtors. The usage of False Attainders per the Confiscation Act of 1862 and the Trading with the Enemy Act of 1917 combined are in violation of the Constitution; *Art. I, Sect. 9, cl. 3; Art. I, Sect. 10 and Art. III, Sect. 3, cl. 2.* The UNITED STATES and the STATE OF MICHIGAN are the users of the DEFENDANT'S Credits; they are the Beneficiaries who owe usage rent and they can only claim a setoff against of the amount of rent they owe for their services given or justifiable American Public infractions.

I, **Thomas James Brown Bey** as a Foreign Court Magistrate by my Signature as the Undersigned make this Affidavit **CHARGE**. I depose, affirm and certify that I have written and reread this document. I am competent, knowledgeable and stand behind the contents thereof to the best of my Truths, Knowledge and Beliefs. Therefore this document now stands as the **FACTS in Law** for this case, which are to be the **Truth, Correct and Complete**.

CHARGE Signed and Sealed on this the 9th day of June in the present year of Two Thousand and Twenty One.

Autograph by: Thomas James Brown Bey
Thomas James Brown Bey; an Moorish American Magister

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